

Serial No. 10/772,524
60,130-2011/04MRA0100

AMENDMENTS TO THE DRAWINGS:

These drawings replace the previous filed drawings. No new matter has been added.

Figure 2 was amended to include reference numeral 43 and 48.

Serial No. 10/772,524
60.130-2011/04MRA0100**REMARKS**

Applicant wishes to thank the Examiner for the detailed remarks and the allowability of claims 8, 11 and the allowance of claim 15 (Claim is added as suggested by the Examiner) and 16. Please note that claims 15 and 16 are allowable claims and 8 and 11 are in independent form. Claims 1, 10 and 15 have been amended. New claims 21-24 are presented. Accordingly, claims 1-12 and 14-24 are pending.

Claims 1-5, 9, 12, 14 and 17-18 were rejected under 35 U.S.C. §102(b) as being anticipated by *Shiffler (DE 10009212.)* Applicant respectfully traverses this rejection. The *Shiffler* Abstract only discloses that "The air chamber (11) in the spring is closed by a rolling lobe (7) and is connected to a supplementary air volume (13) by a pipe (15) which forms an integral part of the strut." [English abstract] Member 9 is not an airbag. Nothing from the Figures indicates that member 9 is an airbag as contended by the Examiner. It appears that Figure 9 is a rigid member. The claims are properly allowable. The claims 1 and 10 require the piston airbag be formed of a flexible material. Claims 2-5, 12, 14, 18 and 20 all require the piston airbag have a changing or variable volume. *Shiffler* cannot meet the claims either.

It should also be noted that:

An abstract and the underlying document of which it is a summary are distinct documents. In a rejection, an abstract stands on its own--it does not incorporate by reference any disclosure of the underlying document. Abstracts are often not written by the author of the underlying document, and may be erroneous or misleading--in virtually all cases, they are incomplete.

Generally an abstract does not provide enough information to permit an objective evaluation of the validity of what it describes. Thus, an abstract is even less reliable a basis to extrapolate the alleged teachings of the underlying document to different circumstances. Abstracts function to alert a reader to disclosures of possible interest. They are little more reliable than headlines or brief newspaper articles.

Citation of an abstract without citation and reliance on the underlying scientific document itself is generally inappropriate where both the abstract and the underlying document are prior art. It is our opinion that a proper examination under 37 CFR Section 1.104 should be based on the underlying documents and

Serial No. 10/772,524
60,130-2011/04MRA0100

translations, where needed. Accordingly, the preferred practice is for the examiner to cite and rely on the underlying document.

See *Ex parte Gavin*, 62 U.S.P.Q.2D (BNA) 1680

Without a translation, the exceedingly minimal abstract Applicant does not really have a fair opportunity to further refute the Examiner's contention. Thus, if the Examiner maintains the rejection, Applicant requests that the Examiner obtain a translation to substantiate the rejection. As mentioned, even without the translation, it appears clear *Shiffer* cannot meet the claims.

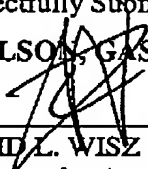
The 35 U.S.C. §103(a) rejections which utilize *Shiffer* are also defeated for at least this reason. Surely, the property of the combinations cannot be considered without a translation.

New claims 21-24 recite further features relating to the mounting arrangement of the present invention which is neither disclosed nor suggested by the cited references and are thus properly allowable.

Please charge \$650.00 to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, for four additional claims and a 2 Month Extension of Time. If any additional fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,
CARLSON, GASKEY & OLDS, P.C.



DAVID L. WISZ Reg. No. 46,350
Attorneys for Applicant
400 West Maple, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: August 30, 2005

NA\clients\MERITOR\JP0201\PATENT\ARMA\mrd2011-04-19-2005-.doc